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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,859	01/04/2001	Chad Daniel Fisher	2000-12	4297

7590 12/18/2002

KoSa  
4501 Charlotte Park Drive  
Charlotte, NC 28217-1979

EXAMINER

SELLERS, ROBERT E

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 12/18/2002

10

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/754,859

Applicant(s)

FISHER, CHAD DANIEL

Examiner

Robert Sellers

Art Unit

1712

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 December 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☒ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See the attachment.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See the attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-3 and 5-7.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_.

Robert Sellers  
Primary Examiner  
Art Unit: 1712

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The amendment after Final rejection filed December 11, 2002 (Paper No. 9) has been denied entry. There is no support for the separate designation of "an adhesive composition" and "other non-adhesive additives." The table on page 11 sets forth an adhesive combining the rubber latex, resorcinol and formaldehyde and epoxy resin along with sodium hydroxide and the optional isocyanate. Furthermore, the scope of the newly claimed non-adhesive additives cannot be ascertained since there is no description thereof in the specification.

There is no substantiation for the alkali additive and the amount sufficient to buffer the composition of claim 24. The table of page 11 merely shows sodium hydroxide at a single concentration of 1.96 parts by weight of a 50% by weight solution which does not support the scope of other compounds within the realm of the alkali additive or other concentrations embraced by the amount sufficient to buffer the composition.

The claims are directed to a single dip adhesive without limiting the type of fiber.

Mori et al. in Table 6, Comparative Example 2 shows a peeling strength which indicates the presence of adhesion regardless of whether the degree of adhesion measures up to those of the other examples.

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Claim 2 requires a formaldehyde:resorcinol molar ratio of from about 1.2:1 to 2:1. Comparative Example 2 of Mori et al. uses the RF solution shown in column 9, Table 2. The content of formaldehyde is  $9.4 \times 0.37 = 3.5$  g. The molar amount of formaldehyde is  $3.5/33.03$  g/mole = 0.12 mole. The level of resorcinol is  $6.5/110.11$  g/mole = 0.06 mole. The formaldehyde:resorcinol molar ratio is  $0.12/0.06 = 2:1$  which is within the parameters of claim 2.

Claim 3 defines a latex:resorcinol-formaldehyde ratio of from about 4.25-4.75 wt.%. Claim 3 is withdrawn from the 35 U.S.C. 102(b) rejection over Mori et al. due to the ratio of 6.3:1 shown in Table 2 ( $250.0$  parts latex  $\times 0.40 = 100$  parts latex/ $6.5$  parts resorcinol +  $9.4$  parts formaldehyde =  $15.9$  parts of resorcinol-formaldehyde =  $100/15.9 = 6.3:1$ ). The weight percentage basis of the claimed ratio is questioned since a ratio is unitless.

The blocked polyisocyanates of Aufdermarsh et al. and Japanese '875, '475, '280 and '674 do not affect the basic and novel characteristics of the claimed composition in view of the suitability of their presence in the claimed composition according to page 3, lines 18-19; page 4, lines 3, 5, 7, 10, 13, 15 and 20; page 5, lines 7-14; page 9, lines 14-21 and the table on page 11. The claims are not adversely affected by the presence of the isocyanate. Therefore, the "consisting essentially of" language embraces the isocyanates.

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Monday to Friday from 9:30 to 6:00 EST

rs  
12/16/02ROBERT E.L. SELLERS  
PRIMARY EXAMINER